

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHMAN, BERENBAUM &
ASSOCIATES, L.L.C.; CHARLES I.
RICHMAN; BLAKE L. BERENBAUM;
and ELLIS COOK,

Plaintiffs

vs.

CAROLINA CASUALTY INSURANCE
COMPANY; REUBEN KLUGMAN,
INDIVIDUALLY AND AS TRUSTEE OF
THE REUBEN KLUGMAN TRUST; and
JEFFREY L. RUDNICK;

Defendants

No. 02-CV-3195

**NOTICE OF MOTION TO ADMIT
MICHELLE M. BRACKE
PRO HAC VICE PURSUANT TO LOCAL RULES 7.1 AND 83.5.2**

Defendant, Carolina Casualty Insurance Company, respectfully requests that this Honorable Court grant the within Motion to admit Michelle M. Bracke, Esquire, Pro Hac Vice pursuant to Local Rules 7.1 and 83.5.2. The within Motion was filed with the Clerk of the United States District Court for the Eastern District of Pennsylvania on October 30, 2002.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

DATED:

BY: _____

STEVEN J. POLANSKY, ESQUIRE
Attorney I.D. No. 34758
200 Lake Drive East, Suite 300
Cherry Hill, NJ 08002
(856) 414-6014
1845 Walnut Street
Philadelphia, PA 19103

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INDIVIDUALLY AND AS TRUSTEE OF)
THE REUBEN KLUGMAN TRUST; and)
JEFFREY L. RUDNICK;)

Defendants

**ORDER ADMITTING
MICHELLE M. BRACKE, ESQUIRE
PRO HAC VICE PURSUANT TO LOCAL RULES 7.1 AND 83.5.2**

THIS MATTER, having been opened to the Court by Steven J. Polansky, Esquire, attorney for Defendant Carolina Casualty Insurance Company, and the Court having considered the moving papers and any opposition thereto, and for good cause shown;

IT IS on this day of , 2002, hereby ORDERED and DECREED that Michelle M. Bracke, Esquire, be admitted *Pro Hac Vice* as the attorneys for Defendant Carolina Casualty Insurance Company; and IT IS further ORDERED and DECREED that Michelle M. Bracke, Esquire shall:

- (1) abide by the local rules for the United States District Court for the Eastern District of Pennsylvania,
- (2) notify the Court immediately of any matter affecting their standing at the Bar of any other Court, and

- (3) have all pleadings, briefs and other papers filed with the Court signed by an attorney of record authorized to practice before the United States District Court for the Eastern District of Pennsylvania, who shall be responsible for them and for the conduct of the case and of Michelle M. Bracke, Esquire.

HONORABLE JAMES T. GILES

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**MOTION TO ADMIT
MICHELLE M. BRACKE, ESQUIRE
PRO HAC VICE PURSUANT TO LOCAL RULES 7.1 AND 83.5.2**

1. Marshall, Dennehey, Warner, Coleman & Goggin is a law firm with offices located in the Commonwealth of Pennsylvania, which has been retained as local counsel on behalf of Defendant Carolina Casualty Insurance Company.

2. Bollinger, Ruberry & Garvey are the nationwide coverage counsel for Carolina Casualty Insurance Company.

3. Carolina Casualty Insurance Company desires to have the law firm Bollinger, Ruberry & Garvey admitted for the purposes of representing Carolina Casualty Insurance Company in the instant litigation.

4. Michelle M. Bracke, Esquire is an attorney with the firm of Bollinger, Ruberry & Garvey. See certification of Michelle M. Bracke attached hereto collectively as Exhibit "A".

5. The instant litigation involves complex insurance coverage issues in which Ms. Bracke specializes. See Exhibit "A".

6. Ms. Bracke is an attorney in good standing licensed to practice in the State of Illinois in addition to other state and federal courts. See Exhibit "A".

7. It is respectfully requested that in accordance with Local Rules 7.1 and 83.5.2 Michelle M. Bracke, Esquire be admitted pro hac vice to the United States District Court for the Eastern District of Pennsylvania for the purposes of participating in the instant litigation.

8. The admission of Michelle M. Bracke, Esquire will in no way affect the progress of this case.

WHEREFORE, Defendant Carolina Casualty Insurance Company respectfully requests that this Honorable Court enter an Order admitting Michelle M. Bracke, Esquire *pro hac vice* to act as counsel on behalf of Defendant in the within matter.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

DATED:

BY: _____
STEVEN J. POLANSKY, ESQUIRE
Attorney I.D. No. 34758
200 Lake Drive East, Suite 300
Cherry Hill, NJ 08002
(856) 414-6014
1845 Walnut Street
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No. 02-CV-3195

**BRIEF IN SUPPORT OF MOTION TO ADMIT
MICHELLE M. BRACKE, ESQUIRE
PRO HAC VICE PURSUANT TO LOCAL RULES 7.1 AND 83.5.2**

This case involves a declaratory judgment action filed by Plaintiff's Richman, Berenbaum & Associates, LLC; Charles I. Richman; Blake L. Berenbaum and Ellis Cook concerning entitlement to coverage under a policy of professional liability insurance issued by Carolina Casualty Insurance Company. Defendant Carolina Casualty Insurance Company has filed a Counterclaim for Declaratory Judgment on the coverage issues raised. Co-Defendant Jeffrey Rudnick also has a claim for coverage under the aforesaid policy. Specifically, the case involves a determination of rights and obligations under an insurance policy issued by Carolina Casualty Insurance Company.

The instant motion is being brought to admit Michelle M. Bracke, Esquire *pro hac vice* for the limited purpose of participating in this litigation on behalf of Defendant Carolina Casualty Insurance Company as associate counsel.

Michelle M. Bracke, Esquire is a members in good standing of the Bar of the State of Illinois. See Exhibit "A" for specifics. Carolina Casualty Insurance Company has specifically requested that Michelle M. Bracke, Esquire handle this litigation along with counsel of record, on its behalf. No delay in the progress of this litigation will be experienced if the motion for admission *pro hac vice* of Michelle M. Bracke, Esquire is granted. Plaintiffs/Co-Defendants will in no way be prejudiced if the instant motion is granted by this Honorable Court.

WHEREFORE, Defendant Carolina Casualty Insurance Company, respectfully requests that this Honorable Court enter an Order admitting Michelle M. Bracke, Esquire *pro hac vice* to act as counsel on behalf of Defendant Carolina Casualty Insurance Company in the within matter.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

DATED:

BY: _____
STEVEN J. POLANSKY, ESQUIRE
Attorney I.D. No. 34758
200 Lake Drive East, Suite 300
Cherry Hill, NJ 08002
(856) 414-6014
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JEFFREY L. RUDNICK;)

Defendants)

No. 02-CV-3195

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on October ____, 2002, the original of the within Motion, Certification and proposed form of Order was served via first class mail for filing to the Clerk of the U.S. District Court of the Eastern District of Pennsylvania and copies forwarded to the following interested persons via first class mail:

NAME AND ADDRESS

Ellis Cook, Esquire
RICHMAN BERENBAUM & ASSOCIATES LLC
2200 Walnut Street
Philadelphia, PA 19103

Walter Weir, Jr., Esquire
WEIR & PARTNERS, LLP
The Widener Building, Suite 500
1339 Chestnut Street
Philadelphia, PA 19107
Rudnick's Co-Counsel

Jan Fink Call, Esquire
HOYLE, MORRIS & KERR LLP
One Liberty Place, Suite 4900
1650 Market Street
Philadelphia, PA 19103
Rudnick's Co-Counsel

I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

BRIDGET A. NELSON

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AFFIDAVIT OF MICHELLE M. BRACKE, ESQUIRE

I, MICHELLE M. BRACKE, being duly sworn, depose and say:

1. I am an attorney with the firm of Bollinger, Ruberry & Garvey, which has offices at 500 West Madison Street, Suite 2300, Chicago, Illinois 60661.
2. I am a member in good standing of the Bar of the State of Illinois and the United States District Court for the Northern District of Illinois.
3. The Defendant Carolina Casualty Insurance Company has requested that I represent them in this matter.
4. I have extensive experience in representing insurers of professional liability policies in coverage disputes with policyholders, such as the present action.
5. My practice is almost exclusively devoted to coverage work. Almost 100% of my work has been in the area of third party liability insurance coverage. I handle this work on a regional or national basis for several insurance company clients.
6. As coverage counsel for Carolina Casualty Insurance Company my firm handles cases of this nature on a national basis.

7. Carolina Casualty Insurance Company has requested that I seek admission pro hac vice to represent its interests in this matter.

8. During the pendency of this action, I will be working with our counsel for record, Steven J. Polansky, Esq., a shareholder in the firm of Marshall, Dennehey, Warner, Coleman & Goggin. Mr. Polansky is qualified to practice law in the Commonwealth of Pennsylvania and has been admitted to the United States District Court for the Eastern District of Pennsylvania.

9. I agree to notify this Court immediately of any matter affecting my standing at the Bars of any court of which I am admitted to practice and to submit to the disciplinary authority of this Court while appearing before it.

10. It is respectfully requested that my admission pro hac vice be granted for the purpose of defending Carolina Casualty Insurance Company in this action.

Respectfully submitted,

MICHELLE M. BRACKE

Sworn to and Subscribed

Before Me This Day

of , 2002.
